

CHAPTER 20.35

PLANNED COMMUNITY DISTRICT

Sections:

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|-----------|--|
| 20.35.010 | Specific Purposes |
| 20.35.020 | Area Requirements |
| 20.35.030 | PC District: Land Use Regulations |
| 20.35.040 | PC District: Property Development Regulations |
| 20.35.050 | Application Procedure |
| 20.35.060 | Development of Coastal Bluff Sites in Planned Community District |
| 20.35.070 | Districting Map Designator |
| 20.35.080 | Building Permits |

20.35.010 Specific Purposes

The PC District is intended to:

- A. To provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning.
- B. To allow diversification of land uses as they relate to each other in a physical and environmental arrangement while insuring substantial compliance with the spirit, intent and provisions of this code.
- C. To include various types of land uses, consistent with the General Plan, through the adoption of a development plan and text materials which set forth land use relationships and development standards.

20.35.020 Area Requirements

In order to meet the objectives set forth in Section 20.35.010, an application for a planned community district shall contain a minimum of 25 acres of unimproved land area or 10 acres of improved land area. 'Improved land area' as used within this section shall mean parcels of land with permanent structures affixed thereto, said improvements occupying a land area amounting to 10 percent of the total acreage of the planned community at the time of application for zone change, excluding therefrom areas of public works or improvements and public rights-of-way.

Waiver. The minimum acreage requirement as set forth in this section may be waived by written application to the Planning Commission and approval thereof prior to the consideration of the application for a zone change.

20.35.030 PC District: Land Use Regulations

- A. Existing Uses. Land uses existing at the time of establishment of a PC District shall be permitted to continue as a nonconforming use, pursuant to Chapter 20.62: Nonconforming Structures and Uses. Existing land uses shall either be incorporated as part of the development plan or shall terminate in accordance with a specific abatement schedule submitted and approved as part of the development plan. Existing land uses which are prohibited by any provisions of this code shall be terminated prior to final approval of the development plan.
- B. New Uses. No use, other than a use existing at the time of establishment of a PC District, shall be permitted in a PC District except in accord with a valid PC development plan. Any permitted or conditionally permitted use authorized by this code and consistent with the General Plan land use designation or designations for land within the PC District may be included in an approved PC development plan.

Exceptions:

- 1. The Planning Director may approve temporary uses and structures pursuant to Section 20.60.015: Temporary Structures and Uses.
- 2. Residential Care Facilities, Small Licensed, shall be permitted if residential uses are otherwise permitted by the PC development plan.”

20.35.040 PC District: Property Development Regulations

Property development regulations applicable to residential, commercial, and industrial districts shall also apply to corresponding portions of PC Districts, unless specifically waived or modified by an approved PC District development plan. Where conflict in provisions occurs the regulations specified in this chapter or in the development plan or plans approved pursuant to this chapter shall apply.

20.35.050 Application Procedure

- A. Reclassification. An application for classification to a PC District, and/or the adoption of a development plan, shall be filed in a manner consistent with the

requirements contained in Chapter 20.90: Application Filing and Fees and Chapter 20.94: Amendments.

- B. Development Plan Required. An application for classification to a PC District shall include and be accompanied by a development plan for the entire property or an application may be initiated by either the City Council or the Planning Commission, and may be processed without a development plan, provided that said plan is adopted in a manner consistent with the requirements contained in Chapter 20.94: Amendments prior to the issuance of any permits for development, expansion or redevelopment.

Exception: Where existing land uses have been established by a use permit prior to the adoption of a PC District and said uses are to be retained, the use permit as approved or subsequently amended shall constitute the required development plan.

- C. Development Plan Contents. A PC District development plan shall contain the following plans and materials, unless specifically waived by the Planning Director:

1. A map showing the proposed development plan boundaries and the relationship of the area to uses and structures within a 300 foot radius of the development plan boundaries.
2. A map of the development plan area showing sufficient topographical data to indicate clearly the character of the terrain, and the type, location and condition of mature trees and other vegetation and a conceptual grading plan for the property.
3. A site plan indicating the existing and proposed uses, acreages, gross floor area, lot coverage, height, parking and density, and a circulation plan.
4. An accompanying text establishing the land uses as permitted, conditionally permitted, or not permitted, including any special requirements applicable to specific uses.
5. An accompanying text setting forth the property development regulations which constitute the standards of development designed to govern those sectors specified in the development plan. Said standards shall contain definitions and information concerning requirements for development site coverage, building heights, setback line designations, off-street parking, vehicular access, signing, lighting, storage, screening and landscaping, and other information which the Planning Director shall require to insure substantial compliance with the intent of this chapter.

6. A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the Public Works Director may require.
 7. A written statement of standards as they relate to the allocation of land within the development plan to all proposed types of land use.
 8. The Planning Director may request additional materials deemed necessary to support the application, pursuant to Chapter 20.90: Application Filing and Fees.
- D. Phasing. Development of sectors within the PC District may be permitted subject to one of the following or any combination thereof as set forth in the development plan:
1. The development plan adopts or references the land use and property development regulations of the zoning districts established by this code for that sector to be developed.
 2. When plans and materials required by Section 20.35.050 (C) are not presented for the total project, sections may be approved separately by site plan review or use permit as may be required by the Planning Commission.
 3. Approval of a use permit by the Planning Commission prior to development, provided the plans and materials required by Section 20.35.050 (C) are submitted as part of the use permit application.
- E. Review of Development Plans. To assure that development remains consistent with the General Plan and with the various elements, statements, population densities and standards which constitute said General Plan, the City Council or the Planning Commission may from time to time review and, if necessary, initiate amendments to PC District development plans to assure such consistency.
- F. Amendments. A request for changes in conditions of approval of a PC District development plan, or a change to plans that would affect a condition of approval, shall be treated as a new application. The Planning Director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

20.35.060 Development of Coastal Bluff Sites in Planned Community Districts

The City of Newport Beach finds that the natural bluffs represent a significant scenic and environmental resource. In order to preserve these unique landforms, developments in Planned

Community Districts proposed to be located in bluff areas adjacent to the ocean or Upper Newport Bay, and bluffs within the presently defined Coastal Zone in the City's sphere of influence downcoast, as indicated on the Bluff Areas Map on file in the Office of the City Clerk and made a part of this Section by reference, shall be subject to the following regulations:

- A. Definition of Bluff. As used in this Section, 'bluff' is any landform having an average slope of 26.6 degrees (50 percent) or greater, with a vertical rise of 25 feet or greater. Where there is some question as to the applicability of this Section to a specific landform, a determination as to whether or not the specific landform constitutes a bluff shall be made by the Planning Commission, consistent with the purposes of this regulation.
- B. Grading. Grading, cutting and filling of natural bluff faces or bluff edges shall be prohibited in order to preserve the scenic value of bluff areas, except for the purpose of performing emergency repairs, or for the installation of erosion preventive devices or other measures necessary to assure the stability of the bluffs.

Any grading plan involving grading of the bluff face or bluff edge shall be approved by the Planning Commission, including such measures designed to control urban run-off, erosion and groundwater conditions.

- C. Geologic Report. To promote public safety, a geologic study shall be performed for each site to determine areas of potential instability. The bluff areas of potential hazard or instability shall be indicated on maps as part of any PC development plan.
- D. Setback Requirement. As a general guideline, the property line setback from the edge of a bluff should be located no closer to the edge of the bluff than the point at which the top of the bluff is intersected by a line drawn from the solid toe of the bluff at an angle of 26.6 degrees to the horizontal. A greater setback distance shall be required where warranted by geological or groundwater conditions, but in no case shall a property line be located closer than 40 feet to the edge of a bluff.

In addition, no part of a proposed development shall be located closer than 20 feet to the bluffside property line. This required building setback may be increased or decreased by the Planning Commission in the review of a proposed site plan consistent with the purposes of this Section.

- E. Public Views. The location and design of a proposed project shall take into account public view potential.
- F. Height of Structures. Height of structures shall be as described in the Planned Community Development Plan.

G. Public Access and Dedication Requirements. The location and design of a proposed project shall maximize public access to the coastal bluff areas as follows:

1. Public access to coastal bluff areas shall be assured through the design of the local street system and through the location of public trails and walkways adjacent to the bluffs.

The City may require the dedication of right-of-way or the granting of easements may be improved or not improved at the option of the City Council.

Area required for right-of-way dedication or for the granting of access easements is in addition to the area required for park dedication.

2. Areas adjacent to coastal bluffs having significant view potential shall be designated for use as view parks or vista points consistent with parkland dedication requirements of Chapter 19.52 of the Subdivision Code.
3. Land required to be dedicated for neighborhood parks per Chapter 19.52 of the Subdivision Code, but which is intended to remain in an unimproved, natural state, should be located adjacent to the bluffs; any portion of that land required to be dedicated for neighborhood parks which is intended to provide active recreational facilities may be located in the interior portions of the proposed development.
4. Bluff face areas need not be accepted by the City for any type of dedication.

H. Subdivision Design. In the preparation of a development plan, natural bluff areas shall not be included in development areas as designated on the site plan. The design of any subdivision shall not include any bluff face or bluff edge as part of any residential lot or development site.

I. Landscape Plans and Plant Material. For the purpose of regulating groundwater conditions, landscape plans for those areas immediately adjacent to the bluffs shall incorporate native vegetation or other drought-resistant plant material.

20.35.070 Districting Map Designator

Each PC District shall be shown on the Districting Map with a APC@ designator, numbered and identified sequentially by order of enactment and reference to the enacting ordinance.

20.35.080 Building Permits

- A. Issuance of Building Permits. The Planning Department shall insure that a PC District development is undertaken and completed in conformance with the approved building plans and the terms and conditions of the development plan or use permit for such development. No building permit shall be issued for any construction or development which does not conform to such plans, terms and conditions.
- B. Commencement of Construction. Building construction shall not be commenced unless and until one of the following alternatives has occurred:
1. There has been recorded a final subdivision map for any specific portion of the district designated on the development plan as subject to the regulations of other zoning districts established by this code. Said subdivision shall comply with the provisions of Title 19 of the Municipal Code, as amended, and the State Subdivision Map Act.
 2. Standards of development have been approved on the development plan for the specific sector proposed for development.
 3. The Planning Commission has granted a use permit for any specific development.

